

IN RE: PETITION FOR ZONING VARIANCE
 NE/Corner Berk Avenue and
 Berkfield Road
 (1220 Berk Avenue)
 15th Election District
 7th Councilmanic District
 Edward P. Kocoon, et ux
 Petitioners

* BEFORE THE
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 90-155-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) to be the same size as the principle structure (dwelling) and to allow an accessory structure on a corner lot to be located 6 feet less than the required 1/3 rear yard farthest removed from the side street, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Edward P. Kocoon, appeared and testified. Also appearing on behalf of the Petition were Deborah L. Files and Lee Chapman, nearby property owners. There were no Protestants.

Testimony indicated that the subject property, known as 1220 Berk Avenue, consists of 6,912 sq. ft., and is improved with a single family dwelling. Petitioners propose constructing a two-car garage, of the same size as the existing dwelling, to the rear of the subject property. Due to the size of the lot and its corner location, the proposed structure will be located 6 feet within the minimum required 1/3 rear yard removed from any street. Mr. Kocoon testified that he and his wife have parked their respective cars on the street for many years; however, as a result of new development in the area and the growth of their immediate neighborhood, traffic on their residential streets has increased and their cars have been hit on several occasions. Testimony indicated that a garage of sufficient size to accommodate two cars could not be built on the

property without the requested variance and that to deny the variance would result in practical difficulty and unreasonable hardship to Petitioners without benefit to the community. Petitioners testified the relief requested will not result in any detriment to the public health, safety or general welfare.

Petitioners, Ms. Files, and Mr. Chapman testified in response to the comments submitted by the Office of Planning regarding screening and fencing. Testimony indicated that additional landscaping was not needed due to existing conditions of the subject property and surrounding properties providing an adequate buffer.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1989 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be the same size as the principle structure (dwelling) and to allow an accessory structure on a corner lot to be located 6 feet less than the required

one-third rear yard farthest removed from the side street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The variance granted herein is limited to a two-car garage for the storage of Petitioners vehicles and other personal household items. Under no circumstances shall the garage be used for commercial purposes.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353
 J. Robert Haines
 Zoning Commissioner

November 15, 1989



Dennis F. Rasmussen
 County Executive

Mr. Edward P. Kocoon
 1220 Berk Avenue
 Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
 NE/Corner Berk Avenue and Berkfield Road
 (1220 Berk Avenue)
 15th Election District - 7th Councilmanic District
 Edward P. Kocoon, et ux - Petitioners
 Case No. 90-155-A

Dear Mr. Kocoon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for zoning variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjs

cc: Ms. Deborah L. Files
 1220 Landover Road, Baltimore, Md. 21237

Mr. Lee Chapman
 8405 Berkfield Road, Baltimore, Md. 21237

People's Counsel

File

ORDER RECEIVED FOR FILING
 Date 11/15/89
 By J. Robert Haines

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PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-155-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.1, 400.1, 400.2, 400.3, 400.4, 400.5, 400.6, 400.7, 400.8, 400.9, 400.10, 400.11, 400.12, 400.13, 400.14, 400.15, 400.16, 400.17, 400.18, 400.19, 400.20, 400.21, 400.22, 400.23, 400.24, 400.25, 400.26, 400.27, 400.28, 400.29, 400.30, 400.31, 400.32, 400.33, 400.34, 400.35, 400.36, 400.37, 400.38, 400.39, 400.40, 400.41, 400.42, 400.43, 400.44, 400.45, 400.46, 400.47, 400.48, 400.49, 400.50, 400.51, 400.52, 400.53, 400.54, 400.55, 400.56, 400.57, 400.58, 400.59, 400.60, 400.61, 400.62, 400.63, 400.64, 400.65, 400.66, 400.67, 400.68, 400.69, 400.70, 400.71, 400.72, 400.73, 400.74, 400.75, 400.76, 400.77, 400.78, 400.79, 400.80, 400.81, 400.82, 400.83, 400.84, 400.85, 400.86, 400.87, 400.88, 400.89, 400.90, 400.91, 400.92, 400.93, 400.94, 400.95, 400.96, 400.97, 400.98, 400.99, 400.100, 400.101, 400.102, 400.103, 400.104, 400.105, 400.106, 400.107, 400.108, 400.109, 400.110, 400.111, 400.112, 400.113, 400.114, 400.115, 400.116, 400.117, 400.118, 400.119, 400.120, 400.121, 400.122, 400.123, 400.124, 400.125, 400.126, 400.127, 400.128, 400.129, 400.130, 400.131, 400.132, 400.133, 400.134, 400.135, 400.136, 400.137, 400.138, 400.139, 400.140, 400.141, 400.142, 400.143, 400.144, 400.145, 400.146, 400.147, 400.148, 400.149, 400.150, 400.151, 400.152, 400.153, 400.154, 400.155, 400.156, 400.157, 400.158, 400.159, 400.160, 400.161, 400.162, 400.163, 400.164, 400.165, 400.166, 400.167, 400.168, 400.169, 400.170, 400.171, 400.172, 400.173, 400.174, 400.175, 400.176, 400.177, 400.178, 400.179, 400.180, 400.181, 400.182, 400.183, 400.184, 400.185, 400.186, 400.187, 400.188, 400.189, 400.190, 400.191, 400.192, 400.193, 400.194, 400.195, 400.196, 400.197, 400.198, 400.199, 400.200, 400.201, 400.202, 400.203, 400.204, 400.205, 400.206, 400.207, 400.208, 400.209, 400.210, 400.211, 400.212, 400.213, 400.214, 400.215, 400.216, 400.217, 400.218, 400.219, 400.220, 400.221, 400.222, 400.223, 400.224, 400.225, 400.226, 400.227, 400.228, 400.229, 400.230, 400.231, 400.232, 400.233, 400.234, 400.235, 400.236, 400.237, 400.238, 400.239, 400.240, 400.241, 400.242, 400.243, 400.244, 400.245, 400.246, 400.247, 400.248, 400.249, 400.250, 400.251, 400.252, 400.253, 400.254, 400.255, 400.256, 400.257, 400.258, 400.259, 400.260, 400.261, 400.262, 400.263, 400.264, 400.265, 400.266, 400.267, 400.268, 400.269, 400.270, 400.271, 400.272, 400.273, 400.274, 400.275, 400.276, 400.277, 400.278, 400.279, 400.280, 400.281, 400.282, 400.283, 400.284, 400.285, 400.286, 400.287, 400.288, 400.289, 400.290, 400.291, 400.292, 400.293, 400.294, 400.295, 400.296, 400.297, 400.298, 400.299, 400.300, 400.301, 400.302, 400.303, 400.304, 400.305, 400.306, 400.307, 400.308, 400.309, 400.310, 400.311, 400.312, 400.313, 400.314, 400.315, 400.316, 400.317, 400.318, 400.319, 400.320, 400.321, 400.322, 400.323, 400.324, 400.325, 400.326, 400.327, 400.328, 400.329, 400.330, 400.331, 400.332, 400.333, 400.334, 400.335, 400.336, 400.337, 400.338, 400.339, 400.340, 400.341, 400.342, 400.343, 400.344, 400.345, 400.346, 400.347, 400.348, 400.349, 400.350, 400.351, 400.352, 400.353, 400.354, 400.355, 400.356, 400.357, 400.358, 400.359, 400.360, 400.361, 400.362, 400.363, 400.364, 400.365, 400.366, 400.367, 400.368, 400.369, 400.370, 400.371, 400.372, 400.373, 400.374, 400.375, 400.376, 400.377, 400.378, 400.379, 400.380, 400.381, 400.382, 400.383, 400.384, 400.385, 400.386, 400.387, 400.388, 400.389, 400.390, 400.391, 400.392, 400.393, 400.394, 400.395, 400.396, 400.397, 400.398, 400.399, 400.400, 400.401, 400.402, 400.403, 400.404, 400.405, 400.406, 400.407, 400.408, 400.409, 400.410, 400.411, 400.412, 400.413, 400.414, 400.415, 400.416, 400.417, 400.418, 400.419, 400.420, 400.421, 400.422, 400.423, 400.424, 400.425, 400.426, 400.427, 400.428, 400.429, 400.430, 400.431, 400.432, 400.433, 400.434, 400.435, 400.436, 400.437, 400.438, 400.439, 400.440, 400.441, 400.442, 400.443, 400.444, 400.445, 400.446, 400.447, 400.448, 400.449, 400.450, 400.451, 400.452, 400.453, 400.454, 400.455, 400.456, 400.457, 400.458, 400.459, 400.460, 400.461, 400.462, 400.463, 400.464, 400.465, 400.466, 400.467, 400.468, 400.469, 400.470, 400.471, 400.472, 400.473, 400.474, 400.475, 400.476, 400.477, 400.478, 400.479, 400.480, 400.481, 400.482, 400.483, 400.484, 400.485, 400.486, 400.487, 400.488, 400.489, 400.490, 400.491, 400.492, 400.493, 400.494, 400.495, 400.496, 400.497, 400.498, 400.499, 400.500, 400.501, 400.502, 400.503, 400.504, 400.505, 400.506, 400.507, 400.508, 400.509, 400.510, 400.511, 400.512, 400.513, 400.514, 400.515, 400.516, 400.517, 400.518, 400.519, 400.520, 400.521, 400.522, 400.523, 400.524, 400.525, 400.526, 400.527, 400.528, 400.529, 400.530, 400.531, 400.532, 400.533, 400.534, 400.535, 400.536, 400.537, 400.538, 400.539, 400.540, 400.541, 400.542, 400.543, 400.544, 400.545, 400.546, 400.547, 400.548, 400.549, 400.550, 400.551, 400.552, 400.553, 400.554, 400.555, 400.556, 400.557, 400.558, 400.559, 400.560, 400.561, 400.562, 400.563, 400.564, 400.565, 400.566, 400.567, 400.568, 400.569, 400.570, 400.571, 400.572, 400.573, 400.574, 400.575, 400.576, 400.577, 400.578, 400.579, 400.580, 400.581, 400.582, 400.583, 400.584, 400.585, 400.586, 400.587, 400.588, 400.589, 400.590, 400.591, 400.592, 400.593, 400.594, 400.595, 400.596, 400.597, 400.598, 400.599, 400.600, 400.601, 400.602, 400.603, 400.604, 400.605, 400.606, 400.607, 400.608, 400.609, 400.610, 400.611, 400.612, 400.613, 400.614, 400.615, 400.616, 400.617, 400.618, 400.619, 400.620, 400.621, 400.622, 400.623, 400.624, 400.625, 400.626, 400.627, 400.628, 400.629, 400.630, 400.631, 400.632, 400.633, 400.634, 400.635, 400.636, 400.637, 400.638, 400.639, 400.640, 400.641, 400.642, 400.643, 400.644, 400.645, 400.646, 400.647, 400.648, 400.649, 400.650, 400.651, 400.652, 400.653, 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400.765, 400.766, 400.767, 400.768, 400.769, 400.770, 400.771, 400.772, 400.773, 400.774, 400.775, 400.776, 400.777, 400.778, 400.779, 400.780, 400.781, 400.782, 400.783, 400.784, 400.785, 400.786, 400.787, 400.788, 400.789, 400.790, 400.791, 400.792, 400.793, 400.794, 400.795, 400.796, 400.797, 400.798, 400.799, 400.800, 400.801, 400.802, 400.803, 400.804, 400.805, 400.806, 400.807, 400.808, 400.809, 400.810, 400.811, 400.812, 400.813, 400.814, 400.815, 400.816, 400.817, 400.818, 400.819, 400.820, 400.821, 400.822, 400.823, 400.824, 400.825, 400.826, 400.827, 400.828, 400.829, 400.830, 400.831, 400.832, 400.833, 400.834, 400.835, 400.836, 400.837, 400.838, 400.839, 400.840, 400.841, 400.842, 400.843, 400.844, 400.845, 400.846, 400.847, 400.848, 400.849, 400.850, 400.851, 400.852, 400.853, 400.854, 400.855, 400.856, 400.857, 400.858, 400.859, 400.860, 400.861, 400.862, 400.863, 400.864, 400.865, 400.866, 400.867, 400.868, 400.869, 400.870, 400.871, 400.872, 400.873, 400.874, 400.875, 400.876, 400.877, 400.878, 400.879, 400.880, 400.881, 400.882, 400.883, 400.884, 400.885, 400.886, 400.887, 400.888, 400.889, 400.890, 400.891, 400.892, 400.893, 400.894, 400.895, 400.896, 400.897, 400.898, 400.899, 400.900, 400.901, 400.902, 400.903, 400.904, 400.905, 400.906, 400.907, 400.908, 400.909, 400.910, 400.911, 400.912, 400.913, 400.914, 400.915, 400.916, 400.917, 400.918, 400.919, 400.920, 400.921, 400.922, 400.923, 400.924, 400.925, 400.926, 400.927, 400.928, 400.929, 400.930, 400.931, 400.932, 400.933, 400.934, 400.935, 400.936, 400.937, 400.938, 400.939, 400.940, 400.941, 400.942, 400.943, 400.944, 400.945, 400.946, 400.947, 400.948, 400.949, 400.950, 400.951, 400.952, 400.953, 400.954, 400.955, 400.956, 400.957, 400.958, 400.959, 400.960, 400.961, 400.962, 400.963, 400.964, 400.965, 400.966, 400.967, 400.968, 400.969, 400.970, 400.971, 400.972, 400.973, 400.974, 400.975, 400.976, 400.977, 400.978, 400.979, 400.980, 400.981, 400.982, 400.983, 400.984, 400.985, 400.986, 400.987, 400.988, 400.989, 400.990, 400.991, 400.992, 400.993, 400.994, 400.995, 400.996, 400.997, 400.998, 400.999, 400.1000, 400.1001, 400.1002, 400.1003, 400.1004, 400.1005, 400.1006, 400.1007, 400.1008, 400.1009, 400.1010, 400.1011, 400.1012, 400.1013, 400.1014, 400.1015, 400.1016, 400.1017, 400.1018, 400.1019, 400.1020, 400.1021, 400.1022, 400.1023, 400.1024, 400.1025, 400.1026, 400.1027, 400.1028, 400.1029, 400.1030, 400.1031, 400.1032, 400.1033, 400.1034, 400.1035, 400.1036, 400.1037, 400.1038, 400.1039, 400.1040, 400.1041, 400.1042, 400.1043, 400.1044, 400.1045, 400.1046, 400.1047, 400.1048, 400.1049, 400.1050, 400.1051, 400.1052, 400.1053, 400.1054,

